

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF GEORGIA,

Defendant.

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1:16-CV-3088-ELR

ORDER

Defendant State of Georgia has moved to dismiss the complaint against it filed by Plaintiff United States. (Doc. No. 9). The Court has set oral argument on Defendant's Motion to Dismiss for Wednesday, May 10, 2017, at 10:00 a.m. In moving to dismiss, State of Georgia contends, *inter alia*, that "the State of Georgia is not a proper party defendant. State agencies are entities capable of being sued. The State is not." Def.'s Mot. to Dismiss at 2 (Doc. No. 9-1). Additionally, the State of Georgia asserted that it "is not the proper party against whom relief could be ordered." Id. at 3. The State of Georgia did not elaborate on these points, and the United States in response did not address them. The Court finds that further briefing and argument on these points would be beneficial. Specifically, the Court

would like briefing and argument on (1) whether the State of Georgia is a proper party defendant; and (2) whether the relief sought – injunctive relief – can be obtained against the State of Georgia in this case.

Accordingly, the Court **DIRECTS** the State of Georgia to file a supplemental brief, no longer than fifteen (15) pages, on these two issues by Monday, May 15, 2017. Thereafter, the United States will have until Friday, May 19, 2017, to file a response brief, no longer than fifteen (15) pages, to the State of Georgia's supplemental brief. The State of Georgia will then have until Wednesday, May 24, 2017, to file a reply brief, no longer than seven (7) pages. Unless herein specified, the briefing on the supplement shall conform to the Local Rules. In addition, while the briefing will not be due until after the Court's hearing on Defendant's Motion to Dismiss, the Court **DIRECTS** the parties to present argument on these issues at the hearing on Wednesday, May 10, 2017, at 10:00 a.m., in addition to their other arguments.

SO ORDERED, this 4th day of May, 2017.



Eleanor L. Ross
United States District Judge
Northern District of Georgia